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## DIGEST

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Morrell

SB No. 4

Present law provides that a mandatory reporter who knowingly and willfully fails to report the abuse, neglect, or sexual abuse of a child shall be fined not more than \$500, imprisoned for not more than six months, or both.

Present law provides for a definition of "mandatory reporter" and provides for a list of certain persons, who in performing their occupational duties, are considered mandatory reporters.

Present law further provides that teachers or child care providers are mandatory reporters and include any person who provides training and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides such services to a child.

Proposed law provides for the following:

- (1) Amends present law to provide that a mandatory reporter shall be fined not more than \$500, imprisoned for not more than six months, or both, for the knowing and willful failure to report the abuse or neglect of a child.
- (2) Provides that a mandatory reporter who knowingly and willfully fails to report the sexual abuse of a child, or the abuse or neglect of a child which results in serious bodily injury, neurological impairment, or death of a child, shall be fined not more than \$3,000, imprisoned for not more than three years, or both. Proposed law defines "serious bodily injury".
- (3) Provides that any person who is 18 years of age or older and who witnesses the sexual abuse of a child and knowingly or willfully fails to report the abuse to law enforcement or DCFS shall be fined not more than \$10,000, imprisoned for not more than five years, or both. Proposed law defines "sexual abuse".
- (4) Removes the provision which requires an individual in the list of present law "mandatory reporters" to be "performing their occupational duties" in order to be considered a "mandatory reporter".
- (5) Expands the definition of "teaching or child care provider" to include any person who assists in the teaching, training, and supervision of a child, bus drivers, coaches, professors, technical or vocational instructors, technical or vocational school staff members, college or university administrators, college or university staff members, or any person who provides teaching or child care services in a voluntary capacity.
- (6) Adds "organizational or youth activity provider" to the list of "mandatory reporters".

Present law requires reports of child abuse or neglect to be made to the local child protection unit of DCFS.

Proposed law amends present law and requires the reporting of child abuse or neglect to be made to DCFS through the designated state child protection reporting hotline telephone number.

Effective upon signature of governor or lapse of time for gubernatorial action.  
(Amends R.S. 14:403(A) and Ch.C. Arts. 603(15)(intro. para.) and (d), 610(A) and (E)(1) and (2); Adds Ch.C. Art. 603(15)(j))

## Summary of Amendments Adopted by Senate

### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Adds provisions relative to "mandatory reporter" reporting requirements and penalties for knowingly and willfully failing to report sexual abuse of a child or abuse or neglect of a child resulting in serious bodily injury, neurological impairment, or death.
2. Adds provisions and definitions relative to "sexual abuse," "serious bodily injury," and "teaching or child care provider."
3. Adds "organizational or youth activity provider" to the list of "mandatory reporters."
4. Adds requirement that the reporting of child abuse or neglect be made to DCFS through the designated state child protection reporting hotline telephone number.

### Senate Floor Amendments to engrossed bill.

1. Adds age requirement of eighteen years or older to "mandatory reporter" provision for a person who witnesses sexual abuse of a child and knowingly and willfully fails to report such abuse.
2. Adds to the list of offenses included within the definition of "sexual abuse" enticing persons into prostitution and the attempt to commit any of the enumerated offenses.

## Summary of Amendments Adopted by House

### Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill.

1. Made technical changes.
2. Amended the proposed law definition of "sexual abuse" to include the attempted perpetration of the offenses listed.